

UNITED STATES DISTRICT COURT
FOR THE
DISTRICT OF NEW HAMPSHIRE

Patricia Hall-Cloutier,)	
Plaintiff)	
)	
v.)	Civil Case No. 1:17-cv-00491-LM
)	
Sig Sauer, Inc.,)	
Defendant)	

**ASSENTED TO MOTION FOR VOLUNTARY DISMISSAL
PURSUANT TO F.R.CIV.P. 41(A)(2) WITHOUT PREJUDICE TO
REOPENING CASE FOLLOWING ARBITRATION**

Plaintiff, Patricia Hall-Cloutier, by her attorneys Sherman Law, PLLC respectfully moves for voluntary dismissal pursuant to F.R.Civ.P. 41(A)(2) without prejudice to reopening the case following arbitration and in support of which states as follows:

1. Pursuant to the Court's Order of January 11, 2018 the currently alleged claims must be arbitrated.
2. The parties have agreed to proceed to arbitration.
3. Although 9 U.S.C. § 3 and RSA 542:2 state that upon application of a party the Court shall stay the proceeding, the Court may dismiss rather than stay the case when all of the claims before it are subject to arbitration. See Marie v. Allied Home Mortgage Corp., 402 F.3d 1, 17 (1st Cir. 2005) citing Bercovitch v. Baldwin Sch., Inc., 133 F.3d 141, 156 & n. 21 (1st Cir. 1998) (stating that "[a] court may dismiss, rather than stay, a case [under 9 U.S.C. § 3] when all of the issues before the court are arbitrable.")
4. Mrs. Hall-Cloutier requests that this matter be dismissed without prejudice to reopening the case following arbitration because inter alia, (a) the parties have not engaged in

any discovery to date, (b) upon completion of the arbitration there may be issues that the parties need the court to address, and (c) upon completion of the arbitration one or both of the parties may require that the Court enter judgment.

5. No memorandum of law accompanies this Motion.

6. Counsel for the defendant assents to this requested relief.

WHEREFORE, the plaintiff respectfully requests that the Court enter an Order:

A. Dismissing this matter without prejudice to reopening it following arbitration; and

B. Granting the parties such other and further relief as the Court deems just and equitable.

Respectfully submitted

PATRICIA HALL-CLOUTIER

By and through her attorneys,

Date: 1/25/2018

/s/ John P. Sherman

John P. Sherman, Esq.

Bar No. 12536

Sherman Law PLLC

111 Bow Street, Unit 2

Portsmouth, NH 03801

(603) 570-4837

jsherman@johnshermanlaw.com

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing has been sent through the ECF systems to the following:

Debra Weiss Ford
Martha Van Oot
Samuel V. Maxwell
Jackson Lewis

100 International Drive, Suite 363
Portsmouth, NH 03801
fordd@jacksonlewis.com
Martha.vanoot@jacksonlewis.com
Samuel.maxwell@jacksonlewis.com

/s/ John P. Sherman
John P. Sherman

Date: 1/25/2018